

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 445 of 2006(C)

ID.145/1992 of LABOUR COURT, KOLLAM
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PETITIONER:

T.O.ABRAHAM, MANAGING PARTNER,
M/S.T.O.ABRAHAM & COMPANY,
ST.MARY'S TOWERS, RAMANCHIRA, THIRUVALLA.

BY ADV. SRI.T.M.CHANDRAN
SRI.S.SUJITH

RESPONDENTS:

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1. THE LABOUR COURT, KOLLAM.
 2. C.B.SASI, PATHIYERETHU,
PALLICKAL EAST, THEKKEKKARA P.O. MAVEЛИKKARA.
 3. K.N.GOPALAKRISHNAN NAIR,
GENERAL SECRETARY, HYDRO ELECTRIC CONSTRUCTION
WORKERS UNION (AITUC), PATHANAMTHITTA.

BY ADV. SRI.P.M.MOHAMMED SHIRAZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

- EXT.P1: TRUE COPY OF THE AWARD DT. 16.12.02 IN INDUSTRIAL DISPUTE NO.145/92 ON THE FILE OF THE 1ST RESPONDENT.
- EXT.P2: TRUE COPY OF FIR IN CRIME NO.2/92 KAKKAD POLICE STATION.
- EXT.P3: TRUE COPY OF WOUND CERTIFICATE.
- EXT.P4: TRUE COPY OF FINAL REPORT.
- EXT.P5: TRUE COPY OF JUDGMENT DATED 11/4-96 IN SC NO.74/93.

RESPONDENT'S EXHIBITS

- EXT.P2: TRUE COPY OF THE COMPLETION CERTIFICATE NO.DCECCP/INSPECTION/ 2003-04 DT. 25.09.2003 ISSUED BY THE DEPUTY CHIEF ENGINEER, KOTTAYAM.
- EXT.R2(A): TRUE COPY OF DISABILITY CERTIFICATE ISSUED BY MEDICAL BOARD, ALAPPUZHA.
- EXT.R2(B): TRUE COPY OF THE NOTICE DATED 03.09.1991 OF PETITIONER'S MANAGER.
- EXT.R2(C): TRUE COPY OF NOTICE DATED 25.08.2003 ISSUED TO PETITIONER.
- EXT.R2(D): TRUE COPY OF ACKNOWLEDGEMENT CARD SIGNED ON 26.08.2003.
- EXT.R2(E): TRUE COPY OF JUDGMENT DATED 08.04.2001 IN CRL. APPEAL NO.54 OF 1996.
- EXT.R2(F): TRUE COPY OF ORDER DATED 30.11.2006 IN C.P.NO.71/2005 OF LABOUR COURT, KOLLAM.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.445 OF 2006

DATED THIS THE 17th DAY OF SEPTEMBER, 2007

JUDGMENT

The management in I.D.No.145/92 is challenging award passed by the Labour Court, Kollam in that I.D. which is produced as Ext.P1 in this writ petition. By that award the order passed by the petitioner herein retrenching the 2nd respondent herein, who is the workman involved in the dispute was set aside and the petitioner was directed to reinstate the workman with 50% of the backwages and continuity of service.

2. After hearing elaborately, ultimately, this Court suggested to both the petitioner and the 2nd respondent to explore the possibilities of an amicable settlement. Today, the petitioner as well as the 2nd respondent submitted before me that they have come to a settlement to the effect that the petitioner would pay an amount of Rs.75,000/- (Rupees seventy five thousand only) to the 2nd respondent and the 2nd respondent would receive the same in full and final settlement of all his claims against the petitioner in respect of the employment in

question in lieu of reinstatement as directed in Ext.P1 award. It is also agreed that the amount would be paid within two months.

Accordingly, the writ petition is disposed of recording the above settlement and directing the petitioner to pay to the 2nd respondent an amount of Rs.75,000/-(Rupees seventy five thousand only) in full and final settlement of all his claims in respect of his employment with the petitioner which is the subject matter of Ext.P1 award within two months from today. It is made clear that this settlement would govern the parties instead of Ext.P1 award.

S. SIRI JAGAN, JUDGE

Acd

